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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/799,174

03/12/2004

Diana L. Lanc

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07/06/2007

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EXAMINER

CROSLAND, DONNIE L

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

07/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,174

Applicant(s)

LANE ET AL.

Examiner

DONNIE L. CROSLAND

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Basile et al.

Basile shows the method and apparatus for forming an ID card for identifying and locating a missing subject and includes storing on an electronic storage medium 18 or 20 unique identifying indicia including at least one photo and retaining the storage medium by the family 24 which is separate from the subject which is wearing the tag 20 and separate from the centralized storage facility 16, and utilizing the storage medium 18 or 20 to deliver the indicia to the authority should the subject go missing, see figure 1, col. 3, lines 53-67, col. 4, lines 1-34.

Basile fails to suggest the terminology "kit containing".

A kit is no more than a collection of article usually for personal use or a set of parts that may be assembled.

Basile provides that the identification card 18 can be worn of shoelaces, key chains, belt loops, and any other article of clothing, see col. 3, lines 53-63.

Accordingly, the skilled artisan recognizes that when the identification card 18 is combined or assembled with the articles above, such suites the definition of a "kit".

It would have been obvious to one having ordinary skill in the art to consider the combined electronic storage medium 18 and an article of clothing or a key chain as a kit within the meaning of kit.

Claims 22-31, 33-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basile et al in view of Rothschild et al.

Basile shows the apparatus for use by an appropriate authority to assist in locating and identifying a missing subject comprising an electronic storage medium 18 or 20 containing unique identifying indicia of the subject see col. 4.

Basile fails to suggest a software program on the portable storage medium 18 or 20.

Rothschild shows the method and apparatus for providing personal identifying indicia on a portable electronic storage medium 14 and provides for software 17 which functions independent of the interfacing means 12, see figure 3, paragraphs 0017-0020.

It would have been obvious to one having ordinary skill in the art to provide a software program on the portable storage medium 18 or 20 of the personal identification system of Basile because the use and advantages of a software program provided on the portable storage medium in a personal identification system is clearly suggested by Rothschild et al.

Any advantages seen are those naturally expected due to the software program incorporated into the portable electronic storage medium.

Basile fails to suggest the terminology "kit".

A kit is no more than a collection of article usually for personal use or a set of parts that may be assembled.

Basile provides that the identification card 18 can be worn of shoe laces, key chains, belt loops, and any other article of clothing, see col. 3, lines 53-63.

Accordingly, the skilled artisan recognizes that when the identification card 18 is combined or assembled with the articles above, such suites the definition of a "kit".

It would have been obvious to one having ordinary skill in the art to consider the combined electronic storage medium 18 and an article of clothing or a key chain as a kit within the meaning of kit.

Claim 23, see paragraph 0020 of Rothschild.

Claim 24, see paragraphs 0007-0009 of Rothschild.

Claim 25, see paragraph 0029.

Claim 26, "purging" is no more than filtering. Filtering as well as encryption/decryption techniques is suggested in col. 3, lines 49-52 Basile. It would have been obvious to one having ordinary skill in the art to equate "purging" with conventional filtering.

Claims 27, 34, 38, 41, 42, and 44, the recited encrypted and decrypted limitations are suggested in col. 3, lines 49-52, col. 5, lines 1-10 of Basile as well as passwords in paragraphs 0010, 0018 of Rothschild.

The artisan recognizes the use and advantages of encryption as evidence in the prior art.

It would have been obvious to one having ordinary skill in the art to encrypt and decrypt the stored information, for example images that have been protected from unauthorized use in col. 0006 of Rothschild.

Also see access to data of the device may be allowed upon entry of an appropriate password, paragraph 0010 of Rothschild.

With respect to claim 28, see family 24 of Basile et al.

With respect to claim 29, the artisan recognizes that the key is associated with the authorization code given to the manufacturer 16 by the family 24 of Basile et al.

Claims 30 and 33, see col. 5, lines 11-21 of Basile.

With respect to claim 34, the third party includes manufacturer 16 of Basile.

With respect to claim 35, note camera in paragraph 0029 of Rothschild.

With respect to claim 37, memory purge is conventional and would not involve patentable invention. Purge is no more than clearing or resetting the memory. Such would not involve patentable invention.

With respect to claims 39 and 40, see communications network in col. 3, lines 31-40 of Basile. E-mail communication would not involve patentable invention.

With respect to claim 43, video and audio are suggested in paragraph 0020 of Rothschild.

With respect to claim 44, see fingerprint in col. 4, lines 59-60 of Basile.

Response to Arguments

Applicant's arguments filed 4-26-07 have been fully considered but they are not persuasive. Applicants argue that Basile fails to teach "identification". Basile teaches in the first line of the abstract an identification system.

Applicants argue that the prior art fail to retain the storage medium separate from the subject and separate from a centralized database.

With respect to Basile the artisan recognizes the centralized database as the authorized third party users 22, see col. 4, lines 34-46.

Storage medium 18 is clearly separate from the database of third party user 22.

Basile clearly meets the claim language.

Purging by definition is an act of filtering and the artisan would find such a matter of routine as evidenced by complex filtering techniques in col. 3., lines 48-52 of Basile.

It appears that applicant's arguments are consistent with the teachings of Basile. For instance even though Basile does not use the terminology "kit", Basile's invention is clearly within the definition of a kit as evidenced by the explicit teachings of the combined key chain, article of clothing, etc. in col. 3, lines 53-63.

The third party users provide standard electronic interfaces.

The artisan recognizes any interface terminal capable of reading information off the storage medium 18 is applicable as determined by the family 24.

It is submitted that the disclosure of Basile generally characterized what the applicants regard as their invention.

The examiner contends that applicants' invention is no more than the storage medium 18 as shown in figure 2A of Basile.

The artisan is not limited as to which authority gains access to the data stored on the medium and may be any of the third parties 22 of Basile.

Applicants claim 32 recites "deliver the indicia to the authority".

The authority reads on authority 22 of Basile.

Also, the language "separate from a centralized data base" is not significant since a centralized database may be any database that is not associated with the storage medium 18, for example and database other than the third party user 22.

Also, the language can broadly read on any one of the third party users listed other than the one serving as the authority.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

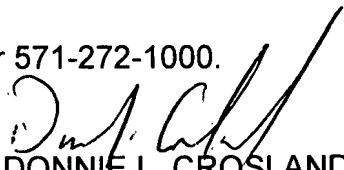
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Art Unit: 2612

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DONNIE L. CROSLAND whose telephone number is 571-272-2980. The examiner can normally be reached on Mon-Thur. 9:30a-6:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL J. WU can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


DONNIE L. CROSLAND
Primary Examiner
Art Unit 2612

DLC 
6-26-07